

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

JOANN PELLETIER
Plaintiff

V.

SANDRA TALBOT and

CHITRA PUBLICATIONS, et. al. ,
Defendants

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CIVIL ACTION NO. 05-30109 MAP

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U.S. DISTRICT COURT
DISTRICT OF MASS

MOTION FOR LEAVE OF COURT TO CAUSE A SUMMONS AND THIRD PARTY
COMPLAINT TO BE SERVED UPON THIRD PARTY DEFENDANT

And now, this 10th day of July, 2006, come Defendants, Chitra Publications, Chariot Publishing, Inc., Christian Meunier d/b/a Moon Over Mountain, by and through their attorney, Joseph D. Buckley, Esquire, and files this Motion for lLeave of Court to cause a summons and third party complaint to be served upon Defendant Sandra Talbot based on the following:

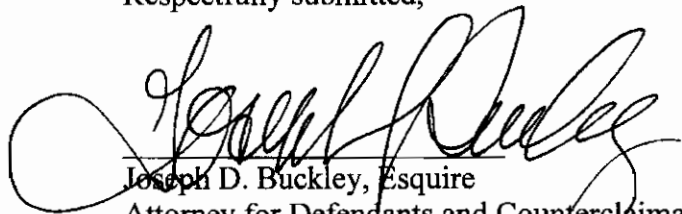
1. On February 24, 2006, Plaintiff filed an amended Complaint against Defendants.
2. Thereafter Defendants, Chitra Publications, Chariot Publishing, Inc. and Christiane Meunier d/b/a Moon Over Mountain filed an Answer and Counterclaim.
3. More than ten days have elapsed since the filing of the said Defendants Answer.
4. On June 21, 2006, Defendants had the opportunity to depose Plaintiff.
5. Following the deposition it was determined that Defendant Talbot former claims of originality of her quilt design may not have been that as expressed by her to

Defendants Chitra Publications, Chariot Publishing or Christiane Meunier d/b/a Moon Over Mountain.

6. Counsel for said Defendants had previously notified Defendant Talbot, through counsel, that they may be joining her as a third party defendant.
7. Discovery has not closed in this matter and the deposition of Defendant Talbot is scheduled for Wednesday July 19, 2006 in Springfield, MA.
8. Said Defendants have a claim for derivative liability as against Defendant Talbot.
9. Permitting said Defendants to implead Defendant Talbot as a third party defendant will not unduly delay or otherwise prejudice the ongoing proceeding

WHEREFORE Defendants Chitra Publications, Chariot Publishing, Inc. and Christiane Meunier d/b/a Moon Over Mountain pray that this Honorable Court enter an order permitting them to file a third party claim against Defendant Talbot.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph D. Buckley", is written over a horizontal line.

Joseph D. Buckley, Esquire
Attorney for Defendants and Counterclaimants Chitra Publications, Chariot Publishing, Inc. and Christiane Meunier
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